

REMARKS

Reconsideration is respectfully requested.

Status of the Application

The specification has been amended for clarification. No amendments are made to the claims, and no new matter has been added to the application. Claims 1-15 are pending and at issue.

Objection to the Specification

The specification has been objected to for informalities. Specifically, the Examiner requires correction of "R.T" at page 3, line 24. The specification has been amended to read "room temperature." The basis for the objection has been addressed and overcome. Withdrawal of the objection is respectfully requested.

Double Patenting Rejection

Claims 1-15 have been rejected under 35 U.S.C. § 101 for statutory double patenting over claims 1-14 of U.S. Patent No. 6,991,759 (the "759 patent").

Double patenting under § 101 requires that the offending claims of the pending application are identical in scope with a claim of the issued patent. *See Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1984); MPEP § 804 II.A. According to the MPEP, a reliable test for determining double patenting asks whether one claim can be infringed without literally infringing the other. "Is there an embodiment of the invention that falls within the scope of one claim, but not the other? If there is such an embodiment, then identical subject matter is not defined by both claims and statutory double patenting would not exist." MPEP § 804 II.A.

Claim 1 of the present application recites:

1. A process for the preparation of semi-conducting polymer film containing beta crystalline phase of polyvinylidene fluoride which

comprises dissolving polyvinylidene fluoride in a solvent, dispersing conducting particles therein, casting the dispersed solution on a substrate, evaporating the solvent to obtain a film, drying the film, *conditioning the film* by holding the film between two metal plates, *applying electric potential for a duration of 10 to 300 min*, removing the film to give a polymer film containing high beta crystalline phase of polyvinylidene fluoride.

(Emphasis added.) Dependent claims 2-15 recite additional features of the claimed invention.

Meanwhile, claim 1 of the '759 patent recites:

1. A process for the preparation of semi-conducting polymer film containing a beta crystalline phase of polyvinylidene fluoride, the process comprising:

forming a solution by dissolving polyvinylidene fluoride in a solvent,

dispersing conducting particles therein,
casting the dispersed solution on a substrate,
evaporating the solvent,
drying the film,

holding the film between two metal plates and applying an electric potential thereto, and removing the film to obtain a polymer film containing high beta crystalline phase of polyvinylidene fluoride.

As can be appreciated by comparing the respective claims, claim 1 of the present application includes features not found in claim 1 of the '759. Thus, they are not coextensive, and one can be infringed without literally infringing the other. Claims 2-14 of the '759 patent recite additional features disclosed in the specification, including some recited in the rejected claims, but the claims of the present application and the '759 patent are not identical because they do not share a common independent claim. Thus, the rejection of claims 1-15 for statutory double patenting is improper. Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

Applicants respectfully request reconsideration in view of the above amendment and remarks. If there are any remaining issues that the Examiner believes could be resolved through

either a Supplemental Response or an Examiner's Amendment, the Examiner is kindly requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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